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SCHWEGMAN, LUNDBERG & WOESSNER/EBAY P.O. BOX 2938 MINNEAPOLIS, MN 55402			EXAMINER FADOK, MARK A	
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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

MAILED

Application Number: 10/791,156
Filing Date: March 01, 2004
Appellant(s): WOO, KATHERINE

SEP 12 2007

GROUP 3600

Charles E. Steffey
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 6/18/2007 appealing from the Office action mailed 1/8/2007.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

20020016765

SACKS

2-2002

Microsoft Computer Dictionary, definition of shopping cart, Fifth Edition, published circa 2002

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-24 are rejected under 35 U.S.C. 102(b) as being anticipated by Sacks (US 2002/0016765 A1).

Regarding claims 1-9

Sacks discloses a method comprising receiving, from a shopping cart application, detailed information, in response to a user request to proceed with a payment for one or more items; and upon receiving the detailed information from the shopping cart application being external to an online payment service (para 0016-0023), communicating to the user via a communications network one or more user interfaces that facilitate processing of the payment for the one or more items. See particularly paragraph [0028].

Detailed information may include item name, item number, item price, and item quantity. See paragraph [0017].

Art Unit: 3625

The user request to proceed with the payment is received when the user clicks a checkout button. See paragraph [0020].

Applicant's attention is directed to paragraphs [0036]-[0046] for a more detailed discussion of the method.

Regarding claims 10-24

These claims are written as apparatus, system, and computer readable medium for performing the functions recited in the method of claims 1-9. These claims are rejected under a similar line of reasoning.

Response to Arguments

Applicant's arguments filed 10/16/2006 have been fully considered and were found to be persuasive, however, after careful review of the prosecution history, the office action mailed 6/3/2005 is restated supra and arguments provided 9/8/2005 are addressed below.

Applicant argues that Sacks does not teach a shopping cart application being external to the payment processor. The examiner disagrees and directs the applicant's attention to para 0016-0023, where the buyer is redirected or transferred to a third party processor. Since the third party payment processor receives a connection from the buyer after the buyer and seller have concluded a transaction and the transaction information is provided through the buyer connection, it is clear that the third party payment processor is external to the payment processor. Further, applicant reasons that since para 0028 of Sacks suggests that in one embodiment the shopping cart is managed by the payment processor, then the shopping cart is not external. The examiner notes that this is only one embodiment and even in this embodiment the connection is transferred, so even though the third party processor manages the shopping cart, the shopping cart is external from the processor during the shopping process.

(10) Response to Argument

Applicant argues that Sacks does not teach "the shopping cart application being external to an online payment service". First the examiner would offer this explanation of the shopping cart model from page 2, para 0003 of applicant's specification. "On merchant web sites, products are typically sold using the "shopping cart" model that allows a customer to select an item from an electronic catalog and then metaphorically adds the selected item to a shopping cart. When the customer is done selecting items,

the customer requests that the items in the shopping cart be "checked out". At this point, a payment transaction is initiated, and the purchaser is asked to provide billing information such as a credit card number and other confidential information. Typically, merchants use customized shopping cart applications for providing a shopping cart flow and an independent online payment service (e.g., PayPal.RTM.) for handling payment transactions". To further clarify, the examiner also introduces Microsoft Computer Dictionary definition to offer a clear meaning of an electronic shopping cart. Microsoft Dictionary defines a shopping cart similarly to applicant as a "file in which an online customer stores information on potential purchases until ready to order". Based on the above understanding of what a shopping cart is, para 0017 and 0020 clearly teach stored purchase information that is later transferred/redirectioned to a third party payment processor.

Applicant argues that Sacks does not teach "a virtual shopping cart hosted by a merchant website". As noted above the virtual shopping cart is clearly hosted by the merchant in that the purchase information is collected/stored at the merchant and then later transferred to the payment processor.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'M. A. Fadok', with a long horizontal flourish extending to the right.

Mark Fadok

Primary Examiner

Conferees:

A handwritten signature in black ink, appearing to read 'Jeffrey Smith', with a small flourish above the first name.

SPE 3625

A handwritten signature in black ink, appearing to read 'Vincent Millin', with a large, stylized 'V' and 'M'.

Vincent Millin

Appeals Specialist